

S.B. CR.MISC.BAIL APPL.NO.7008/2007.

Raj Kumar Vs. State

Date of order : 1/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ajay Gupta for the petitioner.

Shri Harshvardhan Nandvana PP for the State.

Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation of causing injuries on the leg of the injured Tulsidas alias Manish Swami has been made against co-accused Manoj Jat. Only omnibus allegations have been made against other co-accused persons and petitioner who is in jail since 18/9/2007. The investigation is almost complete. The offence under Section 365 IPC has been falsely alleged whereas in fact the FIR was lodged by the injured-complainant himself. Trial of the case will take a long time and detention of the petitioner is no longer required for any other purposes.

Learned Public Prosecutor has opposed the bail application and argued that in view of nature of allegations against the petitioner, he is not entitled to enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Raj Kumar S/o Jagdish Prasad shall be released on bail in F.I.R. No.173/2007 P.S. Khandela, District Sikar for offences under Sections 143, 452, 365 and 323 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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